

REMARKS

The applicant respectfully requests reconsideration in view of the amendments and the following remarks. The applicant has incorporated claim 6 into claim 1. The applicant has cancelled the non-elected process claims. The applicant respectfully requests that the remaining non-elected claims be rejoined upon determining that the examined claims are allowable.

Claims 1-3, 5, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setayesh et al (Bridging the Gap Between Polyfluorene and Ladder-Poly-p-phenylene: Synthesis and Characterization of Poly-2,8-indenofluorene, Macromolecules, 2000, 33, 2016-2020) (“Seyayesh”) in combination with Reish (Dissertation, Oligound Poly(indenofluorene)... Mainz 2000, pp. 27 and 115) (“Reisch”) and evidenced by Kim (Assemblies of conjugated polymers...) (“Kim”). Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setayesh in combination with Reish and Inbasekaran US 5,777,070 (“Inbasekaran”) and evidenced by Kim. The applicant respectfully traverses these rejections.

Rejections of claims 1-3, 5 and 8-12

Claims 1-3, 5, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setayesh in combination with Reish and evidenced by Kim. In order to expedite prosecution the applicant has incorporate claim 6 into claim 1. Claim 6 was not included in this rejection. For the above reasons, this rejection should be withdrawn.

Rejections of claims 6, 7 and 13-14

Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setayesh in combination with Reish and Inbasekaran and evidenced by Kim. The applicant respectfully disagrees with the Examiner comments on the last office action.

At page 6, of the office action under the heading of Response to Arguments, the Examiner disagrees with the applicant's statement that cis-indenofluorene has advantages over trans-indenofluorene. Furthermore, the Examiner argued "[t]his statement does not commensurate with the scope of Claim 1 as written."

According to applicant's claim 1, an oligomer or polymer is claimed comprising an optionally substituted first repeating unit of formula (Ir). The wording of this claim clearly encompasses "copolymers" because it is said "comprises". As a consequence, polymer 5 is clearly encompassed by the wording of pending claim 1 because this polymer comprises a repeating unit of formula (Ir). Therefore, it should also be possible to compare such a copolymer with another copolymer which only differs in that instead of cis-indenofluorene units (polymer 5) trans-indenofluorene units (polymer 6) are used. Due to the fact that both copolymers differ in their structure only with respect to the indenofluorene units, also the different properties could only result from the indenofluorene units. As a consequence, the advantages of the copolymer containing cis-indenofluorene units compared with the same copolymer containing trans-indenofluorene units are a result of the different indenofluorene units, as pointed out in detail in the applicant's Response filed May 2, 2008. This result was not obvious for a person skilled in the art. Therefore, the applicant clearly disagree with the Examiners statements on page 6 of the final Office Action.

The applicant also respectfully disagrees with the Examiner's statements on page 7 of the final Office Action, that the applicant's comparison is not correct, and that the applicant should have compare their polymers with the closest prior art.

According to Setayesh only trans-indenofluorene homopolymers are disclosed. As a consequence of such an amendment, it should be possible to overcome the rejection under 35 U.S.C. 103 (a), due to the fact that Setayesh only disclose homopolymers whereas according to new independent claim 1 only copolymers are claimed. Due to the statements of the Examiner in the final Office Action, both materials (i.e. the homo- and copolymer) are not comparable with each other. Accordingly, the amended independent claim 1 could not be obvious with respect to the cited prior art. In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00027-US from which the undersigned is authorized to draw.

Dated: October 15, 2008

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner
Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant